

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EVERETT B. MCMILLAN,

Petitioner,

v.

RAYMOND SHANLEY,
Superintendent Cossackie C.F.,

Respondent.

19-Cv-1748 (BMC)

Supplement To Petition for
Habeas Corpus pursuant to
28 U.S.C. § 2254

Please accept the following as Notice of Supplemental claims to Petitioner Everett B. McMillan's ("Petitioner") Petition for Habeas Corpus pursuant to 28 U.S.C. § 2254.

1. Petitioner was denied his right to effective assistance of counsel in violation of the United States Constitution's Sixth Amendment, as a result of his counsel, Edwin Ira Schulman, Esq.'s: (1) failure to conduct an investigation; and/or (2) failure to present a defense to rebut the People's theory of constructive possession of the weapon seized from his vehicle on July 3, 2009; and/or (3) by committing a fraud upon the Court by misrepresenting a material fact in his affidavit submitted by the prosecution in opposition to Petitioner's C.P.L. § 440.10 motion, upon which fact the State Court relied in denying Petitioner's C.P.L. § 440.10 motion.
2. This latter claim also denied Petitioner his right to due process as guaranteed to him by the Fourteenth Amendment.

3. Petitioner was denied his United States Constitutional right to due process under the Fourteenth Amendment by the suppression by the prosecution of evidence favorable to him.
4. Petitioner was denied his United States Constitutional right to due process under the Fourteenth Amendment where the prosecution committed a fraud upon the Court by relying on Attorney Schulman's affidavit in its opposition to Petitioner's C.P.L. § 440.10 motion, knowing it contained inaccurate and misleading statements of material fact and failed to alert the court of the affidavit's inaccurate and misleading information.